

**REMARKS**

Applicant greatly appreciates the Examiner's withdrawal of the Restriction Requirement that was presented on July 13, 2004. Claims 1-19 are pending in the present Application and stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of U.S. Patent No. 6,280,419. Applicant respectfully traverses the Examiner's rejection.

Applicant would like to remind the Examiner that the present Application was filed as a result of the Restriction Requirement that was mailed on August 22, 2000, in the parent of the present Application, Application No. 09/369,866 ("the '866 Application," which ultimately issued as U.S. Patent No. 6,280,419). A copy of the August 22, 2000, Office Action and Applicant's Response thereto are enclosed with this Amendment for the Examiner's convenience.

Claims 1-19 that are pending in the present Application are identical to Claims 1-19 that were withdrawn during prosecution of the '866 Application to comply with the Restriction Requirement. Accordingly, Applicant believes that the obviousness-type double-patenting rejection of Claims 1-19 pending in the present Application is prohibited by 35 U.S.C. § 121. In this connection, Applicant respectfully directs the Examiner's attention to § 804.01 of the MPEP.

Applicant also requests that the Examiner indicate his consideration of the Information Disclosure Statement received by the U.S. Patent and Trademark Office on

Appl. No.: 09/878,013  
Amendment filed December 28, 2004  
in response to October 1, 2004 Office Action  
Docket No.: 3602/105

September 4, 2001, by returning an initialed copy of that Information Disclosure Statement to Applicant's undersigned attorney.

No fees are believed necessary for entry of this Amendment. However, if any such fees are due, please debit Deposit Account 01-1785. Any refunds should be credited to the same account.

Applicant submits that the present Amendment responds to all the points raised in the Office Action dated October 1, 2004, and respectfully requests prompt allowance of Claims 1-19 of the present Application.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Applicant  
90 Park Avenue  
New York, NY 10016  
(212) 336-8000

Dated: New York, New York  
December 28, 2004

By: Marion P. Metelski  
Marion P. Metelski  
Registration No.: 38,557